

96A.330 Resolution or ordinance to submit proposal to electorate -- Simultaneous elections in transit area -- Notice.

- (1) Any transit authority created pursuant to the provisions of KRS Chapter 96A may, by resolution duly adopted by its board in the manner prescribed by KRS 96A.060, request one (1) or more of the public bodies which, upon the date of adoption of such resolution constitute members of such transit authority, either:
 - (a) To submit to their respective electorates; or
 - (b) To jointly submit to the electorate of the entire transit area encompassed by such transit authority a proposal for the approval or disapproval of a mass transportation project.
- (2) The resolution shall set forth in detail, or shall incorporate by reference a detailed study in respect of, the mass transportation program proposed for submission to such electorate or electorates, together with the proposed source or sources of funding thereof, subject to the limitations of KRS 96A.310 to 96A.370. The mass transportation project of an urban-county government may consist of specific road construction and improvement projects. The funding source may be proposed for a limited period of time as specified in the mass transportation program proposal at the conclusion of which the funding source shall terminate unless it has been extended by referendum in accordance with the provision of this chapter.
- (3) Upon receipt of any such resolution of the board of any such transit authority, the governing body of each public body to which the resolution is directed shall cause the resolution and the study for mass transportation program contained therein to be carefully reviewed. The public body or public bodies may cause further studies to be made with respect to such request of the transit authority, and may require the transit authority to submit such further and additional data, statistics, and information as may be required by such public body or public bodies in order to enable them to make a proper decision regarding any proposed mass transportation program.
- (4) If the governing body of any such public body shall determine that the public welfare requires the establishment of the mass transportation program as proposed by the transit authority, the governing body of such public body may by resolution or ordinance determine that a proposal for the establishment of such mass transportation program shall be submitted to the electorate of the public body. Such resolution or ordinance of the public body shall describe the mass transportation program to be submitted to the electorate, together with the proposed source of funding therefor, which shall be expressed as one of the following:
 - (a) An ad valorem tax levy expressed as a certain maximum number of cents per each one hundred dollars (\$100) of assessed valuation, subject to constitutional limits;
 - (b) An occupational license tax, subject to the limitations of KRS 96A.310 to 96A.370; or

- (c) A sales tax upon all retailers at a rate not to exceed one-half of one percent (0.5%) of the gross receipts of any retailer derived from "retail sales" or "sales at retail" as defined in KRS Chapter 139.
- (5) In the event the membership of any such transit authority consists of more than one (1) public body, and in the event the resolution of the board of such transit authority is directed to all such public bodies, all such public bodies may, by adoption of appropriate resolutions or ordinances determine that the proposition for the establishment of the mass transportation program, together with the identified funding source therefor, shall be submitted to the electorate of the transit area of the transit authority rather than to the separate electorates of such public bodies. In that event, the election on the proposition regarding the mass transportation program shall be held simultaneously within the transit area by all such public bodies and the notice of the election shall be uniform.

Effective: July 13, 1990

History: Amended 1990 Ky. Acts ch. 417, sec. 2, effective July 13, 1990. -- Amended 1976 Ky. Acts ch. 350, sec. 2. -- Created 1974 Ky. Acts ch. 169, sec. 3.